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5 Attorneys for Defendants KAISER ALUMINUM
CORPORATION and KAISER ALUMINUM &
6 CHEMICAL CORPORATION

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 MOSS LANDING COMMERCIAL PARK
LLC,

12 Plaintiff,

13 v.

14 KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
15 CORPORATION, and DOES 1 through
100,

16 Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

17
18 WHEREAS, plaintiff Moss Landing Commercial Park (“MLCP”) has filed and served its
19 First Amended Complaint (“Complaint”) upon defendants Kaiser Aluminum Corporation and
20 Kaiser Aluminum & Chemical Corporation (collectively, the “Kaiser Defendants”), and the
21 Kaiser Defendants have answered such Complaint;

22 WHEREAS, the Kaiser Defendants assert that this lawsuit is barred by the relief granted
23 to the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

24 WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware
25 Bankruptcy Court requiring MLCP to dismiss its Complaint;

26 WHEREAS, MLCP appealed therefrom to the Delaware District Court, and then to the
27 Third Circuit Court of Appeals;

28 WHEREAS, on July 8, 2010, the Third Circuit Court of Appeals instructed the Delaware

District Court to remand the case to the Delaware Bankruptcy Court for the Bankruptcy Court to provide a decision as to whether each cause of action in this lawsuit was discharged or otherwise released, waived or settled. A hearing before the Bankruptcy Court has not yet been scheduled, but the parties expect that it will occur in the next three months; and

WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and respectfully request that the Court enter an order as follows:

1. The Case Management Conference currently scheduled for September 3, 2010, shall be continued to December 3, 2010 at 10:30 a.m. in Courtroom 6.

2. Not later than November 24, 2010, the parties shall file a joint Case Management Conference Statement.

Dated: August 26, 2010

LAW OFFICES OF CHRISTOPHER C. CAYCE

By: /s/ Christopher C. Cayce
CHRISTOPHER C. CAYCE
Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC

Dated: August 26, 2010

JONES DAY

By: /s/ Thomas M. Donnelly
THOMAS M. DONNELLY
Attorneys for Defendants KAISER ALUMINUM
CORPORATION and KAISER ALUMINUM &
CHEMICAL CORPORATION

IT IS SO ORDERED.

Dated: 8/30, 2010


The Honorable Ronald M. Whyte
United States District Court Judge